

D. Victoria Baranetsky (SBN #311892)  
THE CENTER FOR INVESTIGATIVE REPORTING

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Attorney for Plaintiff

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United States Attorney  
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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THE CENTER FOR INVESTIGATIVE  
REPORTING,  
Plaintiff,  
v.  
UNITED STATES DEPARTMENT OF  
JUSTICE,  
Defendant.  
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) CASE NO. 3:17-cv-06557-JSC  
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) **SECOND JOINT STATEMENT AND  
STIPULATION; PROPOSED JUDGMENT**  
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## JOINT STATEMENT AND STIPULATION

26 Pursuant to the Court’s November 5, 2018, Order (ECF 50), Plaintiff The Center for  
27 Investigative Reporting (“CIR” or “Plaintiff”) and Defendant United States Department of Justice  
28 (“DOJ” or “Defendant”) respectfully submit this joint statement and stipulation and proposed final

1 judgment for the Court's consideration.

2 Whereas the parties previously informed the Court, the parties have met and conferred regarding  
3 Plaintiff's claim for attorneys' fees and costs and have reached agreement to reserve their respective  
4 rights and re-visit the issue following Plaintiff's expected appeal of the Court's judgment in this action;

5 Whereas the parties have also met and conferred regarding Plaintiff's claim concerning the  
6 adequacy of Defendant's search for records outside of the Firearm Trace Systems database responsive  
7 to Plaintiff's FOIA request, which was not resolved on summary judgment (*see, e.g.*, ECF 39 at 17; ECF  
8 50 at 1);

9 Whereas, based on additional information provided by Defendant to Plaintiff regarding the  
10 searches conducted by Defendant outside of the Firearm Trace Systems database in response to  
11 Plaintiff's FOIA request, Plaintiff has agreed, and the parties hereby stipulate, to dismiss Plaintiff's  
12 claims regarding the adequacy of such searches.

13 In order to permit Plaintiff's expected appeal to proceed, the parties respectfully request that the  
14 Court enter the proposed judgment in this action.

15 IT IS SO STIPULATED.

16 Dated: November 9, 2018

ALEX G. TSE  
United States Attorney

18 /s/ Robin M. Wall  
19 Robin M. Wall  
20 Assistant United States Attorney  
Attorneys for Defendant  
U.S. Department of Justice

21 Dated: November 9, 2018

D. VICTORIA BARANETSKY

22 /s/ D. Victoria Baranetsky  
23 D. Victoria Baranetsky  
24 Attorney for Plaintiff  
Center for Investigative Reporting

## CERTIFICATION

Pursuant to Civil Local Rule 5-1(i)(3), the undersigned hereby attests that Victoria Baranetsky has concurred in the filing of this document.

Dated: November 9, 2018

ALEX G. TSE  
United States Attorney

/s/ Robin M. Wall  
Robin M. Wall  
Assistant United States Attorney  
Attorneys for Defendant  
U.S. Department of Justice

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THE CENTER FOR INVESTIGATIVE REPORTING, ) CASE NO. 3:17-cv-06557-JSC  
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UNITED STATES DEPARTMENT OF )  
JUSTICE, )  
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Defendant. )  
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## JUDGMENT

The issues having been fully considered, and the Court having granted in part and denied in part the parties' cross-motions for summary judgment, it is hereby Ordered and Adjudged that judgment be entered in part in favor of Defendant against Plaintiff, as to those claims decided in Defendant's favor in

PROPOSED JUDGMENT  
17-CV-06557 JSC

1 the Court's order of July 10, 2018 (ECF 39); that Plaintiff's claims regarding the adequacy of  
2 Defendant's searches outside of the Firearm Trace Systems database be dismissed pursuant to the  
3 stipulation and agreement of the parties; and that the action be dismissed.

4 SO ORDERED.

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6 Dated: \_\_\_\_\_, 2018

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United States Magistrate Judge